

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation Against:

Case No. 2014-4

**HOWZE PEST CONTROL dba
TRULY NOLEN PEST CONTROL OF
STANISLAUS
aka FOUR SEASONS PEST SOLUTIONS
MARC A. HOWZE
P.O. Box 4757
Modesto, CA 95352**

OAH No. 2013080979

**Company Registration Certificate No. PR 5981
Operator's License No. OPR 12023**

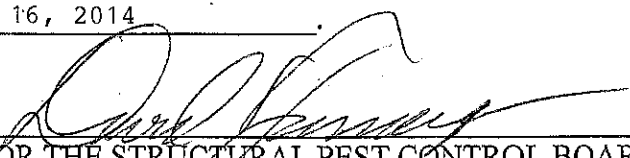
Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 15, 2014.

It is so ORDERED July 16, 2014



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
Against:

12 **HOWZE PEST CONTROL**
13 **TRULY NOLEN PEST CONTROL OF**
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MARC A. HOWZE
15 **P.O. Box 4757**
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16 **Company Registration Certificate No. PR 5981**
17 **Operator's License No. OPR 12023**

18 **Respondent.**

Case No. 2014-4

OAH No. 2013080979

STIPULATED SURRENDER OF
LICENSES AND ORDER¹

19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Susan Saylor ("Complainant") is the Registrar and Executive Officer of the Structural
23 Pest Control Board ("Board"), Department of Consumer Affairs. She brought this action solely
24 in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
25 the State of California, by Leslie A. Burgermyer, Deputy Attorney General.

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28 ¹ "License," as used herein shall refer to "license," "certification," "certificate," and
"registration."

1 2. Marc A. Howze, Howze Pest Control, doing business as Truly Nolen Pest Control of
2 Stanislaus and also known as Four Seasons Pest Solutions, is represented in this proceeding by
3 attorney Douglas S. Srulowitz, whose address is 1746 Grand Canal Blvd., Suite 11, Stockton, CA
4 95207.

5 **Operator's License**

6 3. On or about May 4, 2010, the Board issued Operator's License No. OPR 12023 to
7 Marc A. Howze, an employee of Howze Pest Control, doing business as Truly Nolen Pest Control
8 of Stanislaus also known as Four Seasons Pest Solutions. On or about May 5, 2010, Respondent
9 became the Qualifying Manager. The Operator's License was suspended on or about December
10 17, 2013, for failure to maintain the general liability insurance required pursuant to Business and
11 Professions Code section 8690, and reinstated on February 19, 2014, due to disassociating as
12 Qualifying Manager of Buzz Off Bugs Pest Control. Except as so stated, the Operator's License
13 was in full force and effect at all times relevant to the charges brought in Accusation No. 2014-4
14 and First Amended Accusation No. 2014-4 and will expire on June 30, 2015, unless renewed.

15 **Company Registration Certificate**

16 4. On or about January 21, 2010, the Board issued Company Registration Certificate
17 No. PR 5981 to Marc A. Howze, Howze Pest Control, doing business as Truly Nolen Pest
18 Control of Stanislaus as the owner and Truly William Nolen as the Qualifying Manager. On or
19 about May 5, 2010, Respondent became the Qualifying Manager. On or about April 17, 2014,
20 Company Registration Certificate No. PR 5981 reflected a change of business name to Four
21 Seasons Pest Solutions. The Company Registration Certificate was in full force and effect at all
22 times relevant to the charges brought in Accusation No. 2014-4 and First Amended Accusation
23 No. 2014-4.

24 5. As used herein, "Respondent" refers to Marc A. Howze, Howze Pest Control, doing
25 business as Truly Nolen Pest Control of Stanislaus also known as Four Seasons Pest Solutions.

26 **JURISDICTION**

27 6. Accusation No. 2014-4 was filed before the Board and is currently pending against
28 Respondent. The Accusation and all other statutorily required documents were properly served

1 on Respondent on August 15, 2013. Respondent timely filed his Notice of Defense contesting the
2 Accusation. On or about April 25, 2014, First Amended Accusation No. 2014-4 was filed and
3 served and it supersedes the original Accusation in all respects. A copy of First Amended
4 Accusation No. 2014-4 is attached hereto, marked Exhibit A, and incorporated by reference.

5 **ADVISEMENT AND WAIVERS**

6 7. Respondent has carefully read, fully discussed with counsel, and understands the
7 charges and allegations in First Amended Accusation No. 2014-4. Respondent also has carefully
8 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of
9 License and Order.

10 8. Respondent is fully aware of his legal rights in this matter, including the right to a
11 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
12 his own expense; the right to confront and cross-examine the witnesses against him; the right to
13 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
14 the attendance of witnesses and the production of documents; the right to reconsideration and
15 court review of an adverse decision; and all other rights accorded by the California
16 Administrative Procedure Act and other applicable laws.

17 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
18 every right set forth above.

19 **CULPABILITY**

20 10. Respondent admits the truth of each and every charge and allegation in First
21 Amended Accusation No. 2014-4, agrees that cause exists for discipline and hereby surrenders his
22 Company Registration Certificate No. PR 5981 and his Operator's License No. OPR 12023 for
23 the Board's formal acceptance.

24 11. Respondent understands that by signing this stipulation he enables the Board to issue
25 an order accepting the surrender of his Company Registration Certificate No. PR 5981 and his
26 Operator's License No. OPR 12023 without further process.

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1 doing business as Truly Nolen Pest Control of Stanislaus also known as Four Seasons Pest
2 Solutions, are surrendered and accepted by the Structural Pest Control Board ("Board").

3 1. The surrender of Respondent's Company Registration Certificate No. PR 5981 and
4 his Operator's License No. OPR 12023 and the acceptance of the surrendered license by the
5 Board shall constitute the imposition of discipline against Respondent. This stipulation
6 constitutes a record of the discipline and shall become a part of Respondent's license history with
7 the Structural Pest Control Board.

8 2. Respondent shall lose all rights and privileges as an Operator and Company
9 Registrant in California as of the effective date of the Board's Decision and Order.

10 3. Respondent shall cause to be delivered to the Board his Company Registration
11 Certificate No. PR 5981 and his Operator's License No. OPR 12023, and pocket license and, if
12 one was issued, his wall certificates on or before the effective date of the Decision and Order.

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
16 effect at the time the petition is filed, and all of the charges and allegations contained in First
17 Amended Accusation No. 2014-4 shall be deemed to be true, correct and admitted by Respondent
18 when the Board determines whether to grant or deny the petition.

19 5. Respondent shall pay the agency its costs of investigation and enforcement in the
20 amount of ~~\$7,500.00~~ ^{\$5,500.00 JAA 2/14 M.H.D.} prior to issuance of a new or reinstated license.

21 6. If Respondent should ever apply or re-apply for a new license, certificate, certifica-
22 tion, and/or registration or petition for reinstatement of a license, certificate, certification, and/or
23 registration by any licensing agency in the State of California, all of the charges and allegations
24 contained in First Amended Accusation, No. 2014-4 shall be deemed to be true, correct, and
25 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
26 seeking to deny or restrict licensure.

7. Respondent shall not apply or re-apply for a new certificate, certification, and/or registration for a period of one (1) year from the effective date of the Board's Decision and Order in this matter.

ACCEPTANCE


I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Douglas S. Srulowitz. I understand the stipulation and the effect it will have on my Company Registration Certificate No. PR 5981 and his Operator's License No. OPR 12023. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Structural Pest Control Board.

DATED: 6-3-14

MARC A. HOWZE, HOWZE PEST CONTROL,
DBA TRULY NOLEN PEST CONTROL OF
STANISLAUS, AKA FOUR SEASONS PEST
SOLUTIONS
Respondent

I have read and fully discussed with Respondent Marc A. Howze, Howze Pest Control, doing business as Truly Nolen Pest Control of Stanislaus, also known as Four Seasons Pest Solutions, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 6/3/14


DOUGLAS S. SRULOWITZ
Attorney for Respondent

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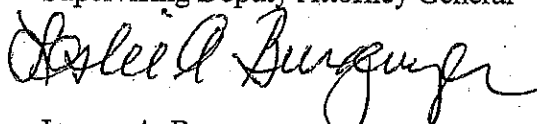
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Structural Pest Control Board, Department of Consumer Affairs.

DATED: 6-3-2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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